

Message Text

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CAB - MR. MURPHY (INFO)

EB/OA - MR. MEADOWS (SUBS)

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FM SECSTATE WASHDC

TO AMEMBASSY LISBON

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E.O. 11652:N/A

TAGS: ETRN, PO

SUBJECT: CIVAIR - U.S. AIRLINE WINTER SCHEDULES

REF: LISBON 3897

1. ON OCTOBER 26, MACHADO OF PORTUGUESE EMBASSY PRESENTED DEPT OFFICERS WITH NOTE IN WHICH GOP STATES THAT IT CANNOT FIND "ANY JUSTIFICATION" FOR U.S. AIRLINES' PROPOSED CAPACITY INCREASES, THAT THE PLANNED SCHEDULES "WOULD UNDULY AFFECT THE SERVICES OPERATED BY THE PORTUGUESE NATIONAL CARRIER", AND THAT IT CANNOT GIVE ITS AGREEMENT TO THE INCREASES. NOTE SUGGESTS HAT INTERGOVERNMENTAL CONSULTATIONS BE HELD ASAP, AND STATES THAT PAA AND TWA SCHEDULES HAVE BEEN APPROVED UNTIL DEC 31 "IN THE HOPE THAT SUCH CONSULTATION MAY LEAD TO A MUTUALLY SATISFACTORY SOLUTION".

2. IN ACCEPTING NOTE, WE POINTED OUT THAT THERE NO BILATERAL MECHANISM BETWEEN U.S. AND PORTUGAL FOR SUCH A PRIORI CONSULTATIONS ON AIRLINES' SCHEDULES/CAPACITY. WITH THE EXPIRATION LAST SPRING OF THE MUTUALLY AGREED FIVE-YEAR

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DEVELOPMENTAL PERIOD FOR THE PORTUGUESE AIRLINE, OUR AVIA-

TION RELATIONS ARE SUPPOSEDLY NOW GOVERNED BY THE "BERMUDA SYSTEM" WHICH ESTABLISHES THE FREEDOM OF DECISION FOR AIRLINE MANAGEMENT, TEMPERED BY EX POST FACTO REVIEW PROCEDURES FOLLOWING A REASONABLE PERIOD OF EXPERIENCE. (WHEN QUESTIONED WHETHER TWO MONTHS WAS A REASONABLE PERIOD, WE

STATED THAT A FULL IATA SEASON MUCH MORE APPROPRIATE-- BOTH TO GIVE MORE ACCURATE PICTURE OF ACTUAL EXPERIENCE AND IN VIEW OF TIME LAG EXPERIENCED IN COLLECTING TRAFFIC DATA.)

3. WE ALSO NOTED THAT OUR INTERPRETATION OF U.S.-PORTUGAL CIVIL AVIATION FRAMEWORK GAVE NEITHER SIDE RIGHT APPROV- OR, MORE IMPORTANT, DISAPPROVE SCHEDULES OF OTHER SIDE'S AIRLINE. WE THUS WERE BOTHERED BY THE PORTUGUESE "PROVISIONAL APPROVAL" OF THE U.S. AIRLINE WINTER SCHED- ULES UNTIL DECEMBER 31, AND WE HAD TO ASSUME IT DID NOT IMPLY THAT THE PORTUGUESE WOULD TAKE UNILATERAL ACTION AFTER THAT DATE AGAINST THE AIRLINES.

4. DEPT POSITION WAS MADE CLEARLY, BUT LOW KEY AS PRE- LIMINARY U.S. REACTION AND TO EXPLAIN FRAMEWORK IN WHICH WE WOULD HAVE TO CONSIDER RESPONSE TO PORTUGUESE NOTE. IN ANY INFORMAL CONVERSATIONS WITH GOP OFFICIALS, EMBASSY SHOULD TAKE SAME LINE, DRAWING ON APPROPRIATE PORTIONS STATE 207817 AND 229572 (DEC 1972). A FORMAL RESPONSE TO OCT 26 NOTE WILL BE PREPARED IN THE NEAR FUTURE. HOW EXACTLY WE WILL PLAY REQUEST FOR CONSULTATIONS IS NOT YET DECIDED. FYI: MEADOWS WILL BE IN PARIS FOR NOVEMBER ECAC MEETINGS WHERE HE PRESUMABLY WILL HAVE CHANCE TO DISCUSS ISSUE INFORMALLY WITH VERES. END FYI. KISSINGER

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